

IN THE CLAIMS

Please amend the claims to read as follows:

Listing of Claims

Claims 1-14 (Cancelled).

15. (New) A transmitting apparatus comprising:

a spreading section that generates a predetermined number of spread signals, each of the predetermined number of spread signals being generated by performing spreading processing on a retransmission signal using a different spreading code, wherein the predetermined number increases according to how many times the retransmission signal has been failed to be received by a receiving user;

a multiplexing section that generates a multiplexed signal by multiplexing the predetermined number of spread signals and other user signals, said other user signals being signals to be transmitted to users other than the receiving user;

a limiting section that limits the predetermined number not to exceed a maximum number, wherein, the maximum number is determined according to how many other user signals are to be multiplexed together with the predetermined number of spread signals in said multiplexing section; and

a transmitting section that transmits the multiplexed signal to the receiving user.

16. (New) The transmitting apparatus according to claim 15, wherein said limiting section determines the maximum number, such that the maximum number decreases as more other user signals are to be multiplexed.

17. (New) The transmitting apparatus according to claim 15, wherein the predetermined number increases each time the retransmission signal fails to be received by the receiving user.